

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

V.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL

This 42 U.S.C. § 1983 Civil Rights action has been referred to Magistrate Judge Karen L.

Strombom pursuant to Title 28 U.S.C. § 636(b) and Local MJR 3 and 4. Plaintiff has filed a motion to compel. (Dkt # 26).

The record is unclear as to when Plaintiff first mailed his requests for production to defendants and why the discovery requests were not mailed out as legal mail, which would have produced an official Department of Corrections record of mailing. Although plaintiff asserts that he has encountered difficulties with legal mailings in the past, the court is unable to engage in such broad speculation when being asked to compel and/or sanction a party.¹ Defendants claim that they did not receive plaintiff's requests for production until plaintiff filed his motion to compel and plaintiff has provided the court with

¹The court also declines to speculate on possible objections to plaintiff's requests that are not before the court at this time.

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1 no evidence to contradict their claim.

2 Furthermore, Plaintiff does not indicate that he has met and conferred with opposing counsel
3 prior to filing this motion as required by Local Rule 37 (a) (2). For that reason alone, his motion to
4 compel should be denied.

5 Accordingly, Plaintiff's motion to compel (Dkt. # 26) is **DENIED**.

6 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

7 DATED this 15th day of June, 2006.



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9 Karen L. Strombom
10 United States Magistrate Judge
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